श्री संघ प्रिय गौतम : नहीं, मैडम, मेरा व्यवस्था का प्रश्न हैं। ....(**व्यवधान**)...

श्री सत्य प्रकाश मालवीय (**उत्तर प्रदेश**) : महोदया, बिहार ....(**व्यवधान**)... वहां जो घोटाला हुआ हैं ....(**व्यवधान**)... और हाई कोर्ट का भी फैसला हैं। ....(**व्यवधान**)...

श्री संघ प्रिय गौतम : मैडम, व्यवस्था के प्रश्न का स्पेशल मेंशन से कोई संबंध नहीं हैं। ....(**व्यवधान**)...

उपसभापति : मालवीय जी, आपका मामला तो गड़बल में चला गया।

श्री सत्य प्रकाश मालवीय : दो हवाला। ....(**व्यवधान**)...

RE. DEMAND FOR DISCUSSION ON HAWALA ISSUE

SHRI S. JAIPAL REDDY (Andhra Pradesh): The House must decide. We are for a debate on Hawala issue. The whole country is convulsed with this issue. *(Interruptions)* This issue needs to be discussed under Rule 167 and the House wants to express its views on this issue. *(Interruptions)* The hawala issue is a matter of paramount importance. *(Interruptions)* They do not want to discuss the hawala issue. *(Interruptions)*

The plan of the Congress Party is to throttle the discussion. That is their plan. *(Interruptions)*

THE LEADER OF OPPOSITION (SHRI SIKANDER BAKAT): The hawala issue is listed in today's agenda. It should be discussed; discussed under rule 167. *(Interruptions)*

DR. BIPLAB DASGUPTA (West Bengal): Please take the sense of the House, Madam. *(Interruptions)*

THE DEPUTY CHAIRMAN: I do not have anything. I do not have any clear instructions from the Chairman as to under which rule it should be discussed. *(Interruptions)*

The Chairman has given permission to Mr. Upendra to speak. *(Interruptions)* you can speak, Mr. Upendra. *(Interruptions)*

SOME HON. MEMBERS: No, no. *(Interruptions)*

THE DEPUTY CHAIRMAN: The Chairman has permitted him. The hon. Chairman has given permission to him. How can you object to it? *(Interruptions)*

Mr. Upendra, they are objecting to your speaking when the Chairman has given permission in writing. *(Interruptions)* I have no objection, *(interruptions)*

SHRI DIGVIJAY SINGH (Bihar): What is it? *(Interruptions)*

SHRI DEPUTY CHAIRMAN: The Chairman has given permission to him. *(Interruptions)*

SHRI S. JAIPAL REDDY: The hawala issue should be discussed. *(Interruptions)* Let the Session be extended. *(Interruptions)* Let the Session be extended. We should have a full-fledged debate. *(Interruptions)* The House is its own master. *(Interruptions),*

THE DEPUTY CHAIRMAN: I have no instructions from the Chairman. *(Interruptions)* I do not have anything.

(Interruptions)

I have the permission from the Chairman to allow Mr. Upendra to speak about rule 167, 176; whatever it is. *(Interruptions)* He has given permission. I have written permission from the Chairman.

(Interruptions)

SHRI DIGVIJAY SINGH: We have the earlier permission also. *(Interruptions)*

THE DEPUTY CHAIRMAN: I do not have any instructions. The Chairman has not given any oral or written instructions about it excepting...*(Interruptions)*

SHRI DIGVIJAY SINGH: What about the Chairman's earlier permission? *(Interruptions)*

THE DEPUTY CHAIRMAN: He has not given me anyting. *(Interruptions)*

I do not have any instructions. *(Interruptions)*

SHRI GURUDAS DAS GUPTA (West Bengal): The hawala issue is listed. It is in the order paper. *(Interruptions)*

SHRI E. BALANANDAN (Kerala): We want to discuss hawala. *(Interruptions)*

THE DEPUTY CHAIRMAN: I function only under the direction of the Chairman. *(Interruptions)* You want to obstruct. What to do? *(Interruptions)* You want me to take the sense of the House? *(Interruptions)* On the permission given by the Chairman, you want me to take the sense of the House? I have never heard of such a thing. *(Interruptions)* Is the sense of the House needed even in regard to the permission given by the Chairman? *(Interruptions)* Please sit down. Just one minute. *(Interruptions)* I want perfect order for one minute that I can speak. *(Interruptions)* Do you want to keep on speaking? *(Interruptions)* All right; go on speaking together. *(Interruptions)*

SHRI S. JAIPAL REDDY: The House should decide. *(Interruptions)* The House should decide. That is the Chairman's direction. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: (Punjab): They are scared of discussing the Hawala issue. *(Interruptions)*

SHRI S. JAIPAL REDDY: The House should decide about it...(Jnferrup-*tions)*

THE DEPUTY CHAIRMAN: You give it in writing. The Chairman has given me this paper, only this paper, and nothing *else.(Interruptions)*

Please, Please. ...*(Interruptions)* Please hear *me...(Interruptions)* One Minute... *(Interruptions)*

The Hawala Discussion has been listed for today, but the rule under which it should be discussed, has not been mentioned ... *(Interruptions)*

Please don't interrupt me now...(Zn-*terruptions)* Please, Please ...*(In terruptions)* Will you keep quiet? *(In terruptions)*

SHRI DIGVIJAY SINGH: Why has it been listed then?

. **उपसभापति** : बैठ जाइए, प्लीज। एक मिनट बैठ जाइए। एक मिनट बैठिए। आप भी बैठिए, एक मिनट। ....(**व्यवधान**)... बैठिये खामोशी सेI have received this letter from the Secretariat. Somebody has placed it on my table. The Chairman has permitted Mr. Upendra to speak on Rule 167/176. It is his signature... *(Interruptions)*

Just one minute. I run this House under the direction of the hon. Chairman. Whatever decision is taken in the Business Advisory Committe, whatever instruction the hon. Chairman gives me,T go by it. I have announced this a hundred times, a thousnad times in this House. I have no instruction offically from the Chairman on what is to be done. *(Interruptions)*

SHRI S. JAIPAL REDDY: No, Madam.

THE DEPUTY CHAIRMAN: Don't dispute it...(7nferrupfjons>)

SHRI DIGVIJAY SINGH: Will you take the sense o(the House? You take the sense of the House...*(Interruptions)*

श्री सिकन्दर बख्त : एक मिनट। सदर साहिबा, मैं लीडर आफ छ हाऊस को सुनना चाहता हूं और लीडर आफ द हाऊस के कहने के बाद ....(**व्यवधान**)...

†**شری سکندر بخت:** ایک منٹ۔صدر صاحبہ۔ میں لیڈر آف دی ہاؤس کو سننا چاہتا ہوں اور لیڈر آف دی ہاؤس کے کہنے کے بعد ..."**مداخلت**"...

SHRI GURUDAS DAS GUPTA: Madam, we must be allowed to speak. All of us must be allowed to speak ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Do you not want to listen to him? ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: We must be allowed to speak...*(Interruptions)*

†[ ]Transliteration in Arabic Script.

All of us must be allowed to speak.

सिकन्दर बख्त : सदर साहिबा, में लीडर आफ द हाऊस को सुनना चाहता हूं। चव्हाण साहब, मै आपको सुनना चाहता हूं। आप बोलिए। ....(**व्यवधान**)...

†**شری سکندر بخت:** صدر صاحبہ۔ میں لیڈر آف دی ہاؤس کو سننا چاہتا ہوں۔ چوان صاحب میں آپکو سننا چاہتا ہوں آپ بولئے ..."مداخلت"...

SHRI GURUDAS DAS GUPTA: Madam, we must also be allowed to speak ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA (Punjab): No, Madam, they should not be allowed to speak...*(Interruptions)*

SHRI GURUDAS DAS GUPTA: When you allow the Leader of the House to speak, you must allow us also to speak ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: You are doing it for the last five months ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: The Leader of the Opposition wants the Leader of the House to speak ...*(Interruptions)*

SHRI GURUDAS DAS GUPTA: Will vou protect us? Everyone wants to speak ...*(In terruptions)*

THE DEPUTY CHAIRMAN: I will allow the Leader of the House to speak... *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Will you allow us also to speak?

THE DEPUTY CHAIRMAN: I allowed you yesterday.

SHRI GURUDAS DAS GUPTA: No, we were not allowed yesterday *(Interruptions)* We want an assurance from the Chair that she will allow us also, *(Interruptions)*

†[ ]Transliteration in Arabic Script.

उपसभापति : आप लोग बैठ जाइए, बैठ जाइए बोलिये, चव्हाण साहब, आप बोलिये

THE LEADER OF THE HOUSE (SHRI S. B. CHAVAN): Madam, I will appeal to all the Members of the Oppos-tion not to make this as a kind of an issue of prestige. This is an impasse which has been going on for some time. We are interested in the discussion on this issue, but you are unnecessarily creating problems. *(Interruptions)* I will request you again to have the discussion under Rule 176 and if there is going to be any problem, we can discuss the matter. *(Interruptions)*

श्री सिकन्दर बख्त : सदर साहिबा, मैं लीडर आफ दि हाऊस को उस मसले पर सुनना चाहता था पहले मेरी कोशिश थी कि वे बातें न आएं तो अच्छा हैं। आपके जिक्र किया कि चेयरमैन साहब की इंस्ट्रक्शंन आपको मिली हैं के नहीं मिली हैं, लिखकर मिली हैं कि जबानी मिली हैं, मिली हैं या नहीं मिली हैं। मैं लीडर आफ दि हाऊस को उस सिलसिले में सुनना चाहता था कि उन्होने चेयरमैन साहब से क्या-क्या सुना, वह तफ्सीलात यहां हाउस के सामने रखे और उसके बाद आगे बढ़े। ....(**व्यवधान**)... वह बताएं, वह रखे हाउस के सामने। ....(**व्यवधान**)... लीडर आफ दि हाउस रखें वह बात सामने ....(**व्यवधान**)... मैं चाहता हूं कि लीडर आफ दि हाउस वह बात रखें यहां हाउस के सामने। ....(**व्यवधान**)... लीडर आफ दि हाउस रखें यहां वह बात। ....(**व्यवधान**)... Let him say this in the House ....(**व्यवधान**)... मे दरख्वास्त करता हूं लीडर आफ दि हाउस से कि अपने चेयरमैन साहब से क्या सुना, वह बात लीडर आफ दि हाउस यहां रखे ....(**व्यवधान**)... उसके बाद हम बात करेंगें। ....(**व्यवधान**)... ये लोग बोलने क्यों नहीं देते? ....(**व्यवधान**)... रखे वे यहां बात। ....(**व्यवधान**)... मैं चाहता नहीं क्या। ....(**व्यवधान**)... आपने, सदर साहिबा, चेयर साहब की बात को यहां रखा हैं, मैं दावत देता हूं कि लीडर आफ दि हाउस चेयरमैन साहब की कहीं हुई बात को दोहराएं यहां हाउस के सामने। ....(**व्यवधान**)... लीडर आफ दि हाउस दोहराएं उस बात को, दोहराएं। ....(**व्यवधान**)... दोहराएं चेयरमैन साहब की बात को। ....(**व्यवधान**)...

†**نیتا ورودھی دل "شری سکندر بخت":** صدر صاحبہ۔ میں لیڈر آف دی ہاؤس

میں چاہتا نہیں کیا ..."مداخلت"... آپنے صدر صاحبہ ۔ چیر مین صاحب کی بات کویہاں رکھا ہے میں دعوت دیتا ہوں کہ لیڈر آف ہاؤس چیر مین صاحب کی کہی ہوئی بات کو دوھرائیں۔ یہاں ہاؤس کے سامنے..."مداخلت"... لیڈر آف دی ہاؤس دوھرائیں اس بات کو دوھرائیں ..."مداخلت"...دوھرائیں چیرمین صاحب کی بات کو..."مداخلت"...

SHRI GURUDAS DAS GUPTA: Madam, I want to speak. You promised me. I want to speak. *(Interruptions)* You stop them. *(Interruptions)* You cannot stop them. *(Interruptions)* Madam, you asked us to sit down; now can you ask them to sit down? *(Interruptions)*

SHRI S. JAIPAL REDDY: Madam, we should also be allowed to speak, *(Interruptions)* You restrain them.

THE DEPUTY CHAIRMAN: I can only request the Member to keep quiet. *(Interruptions)*

श्री सिकन्दर बख्त : मैडम, लीडर आफ दि हाउस ने क्या सुना चेयरमैन साहब से, वह बताएं। ....(**व्यवधान**)...

†**شری سکندر بخت:** میڈم۔ لیڈر آف دی ہاؤس نے کیا سنا چیر مین صاحب سے وہ بتائیں..."مداخلت"...

THE DEPUTY CHAIRMAN: I request Members to listen to Mr. Upendra. The Chairman has allowed him to speak and you are not allowing him *(Interruptions)*

کو اس مسئلے پر سننا چاہتا تھا ۔ پہلے میری کوشش تھی کہ وہ باتیں نہ آئیں تو اچھا ہے۔ آپنے خہ کرکیا کہ چیر مین صاحب کی انسٹرکشن آپکو ملی ہیں کہ نہیں ملی ہیں۔لکھکر ملی ہیں کہ زبانی ملی ہیں۔ ملی ہیں یا نہیں ملی ہیں۔ میں لیڈر آف دی ہاؤس کو اس سلسلہ میں سننا چاہتا تھا کہ انھوں نے کیا کیا سنا چیر مین صاحب سے۔ وہ تفصیلات یہاں ہاؤس کے سامنے رکھیں اور اسکے بعد ہم آگے بڑھیں..."مداخلت"... وہ بتائیں وہ رکھیں ہاؤس کے سامنے..."مداخلت"...لیڈر آف دی ہاؤس رکھیں وہ بات سامنے ..."مداخلت"... میں چاہتا ہوں کہ لیڈر آف دی ہاؤس وہ بات رکھیں یہاں ہاؤس کے سامنے ..."مداخلت"... لیڈر آف دی ہاؤس رکھیں یہاں وہ بات..."مداخلت"... لیٹ ہم سے دی ان دی ہاؤ س..."مداخلت"... میں درخواست کرتا ہوں لیڈر آف دی ہاؤس سے کہ آپنے چیرمین صاحب سےکیا سنا۔ وہ بات لیڈر آف ہاؤس یہاں رکھیں ..."مداخلت"... اسکے بعد ہم بات کرینگے..."مداخلت"... یہ لوگ بولنے نہیں دیتے ..."مداخلت"... رکھیں وہ بیان بات ..."مداخلت"...

†[ ] Transliteration in Arabic Script.

श्री सिकन्दर बख्त : सदर साहिबा, मेरी चव्हाण साहब से दरख्वास्त हैं कि वह बताएं कि उन्होने क्या सुना चेयरमैन साहब से। ....(**व्यवधान**)....

†**شری سکندر بخت:** صدر صاحبہ۔ میری چوان صاحب سے درخواست ہے کہ وہ بتائیں کہ انھوں نے کیا سنا چیر مین صاحب سے ..."مداخلت"...

SHRI S. JAIPAL REDDY: Please look into the record... *(Interruptions)* The Chairman has given a direction that the House will decide the matter. *(Interruptions)*

THE DEPUTY CHAIRMAN: I have no objection about anybody speaking. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Madam, you said you will allow me to speak. *(Interruptions)*

SHRI S. JAIPAL REDDY: I am saying that on the direction of the Chair... *(Interruptions)*

SHRI V. NARAYANASAMY (Pondicherry): Madam, what about the Short Duration discussion? I want to hear about it from you. *(Interruptions)*

श्री सिकन्दर बख्त : सदर साहिबा, मेरी दरख्वास्त आपके जरिए से लीडर ऑफ दि हाऊस तक पहुंची या नहीं पहुंची , यह मैं जानना चाहता हूं ....(**व्यवधान**).... महोदया , मैं जानना चाहता हूं कि उनकी चेयरमैन साहब से क्या बात हुई ....(**व्यवधान**)....

†**شری سکندر بخت:** صدر صاحبہ۔ میری درخواست آپکے ذریعے سے لیڈر آف دی ھاؤس تک پہونچی یا نہیں پہونچی۔ یہ میں جاننا چہتا ہوں ..."مداخلت"... مہودیہ میں جاننا چاہتا ہوں کہ انکی چیر مین صاحب سے کیا بات ہوئی..."مداخلت"...

†[ ]Transliteration in Arabic Script.

श्री सत्य प्रकाश मालवीय : माननीय उपसभापति जी, मेरा निवेदन हैं कि इस पर आप सदन की राय ले लीजिए ....(**व्यवधान**)....

SHRI E. BALANANDAN: Madam, you take the sense of the House.

SHRI S. JAIPAL REDDY: Madam, you take the sense of the House. ...*(Interruptions)*...

SHRI SIKANDER BAKHT: He told everybody including you. ..*(Interruptions)*... He told you in our presence.

THE DEPUTY CHAIRMAN: I will go according to the instructions of the Chairman. ..*(Interruptions)*...

SHRI SIKANDER BAKHT: Madam, the House is within its right to discuss it. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Under which rule? Can you quote the rule? .. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Madam, the House is supreme.

THE DEPUTY CHAIRMAN: There should be some rule. You quote that rule. ..*(Interruptions)*... Chairman has permitted him to speak. Under which rule you are preventing him from speaking?

SHRI GURUDAS DAS GUPTA: Madam, the Chairman gave a direction.

SHRI DIGVIJAY SINGH: Madam, under which rule he has been allowed? ..*(Interruptions)*...*Under which ruled has he been allowed?*

THE DEPUTY CHAIRMAN: Mr. Jai-pal Reddy, ...(Interruptions). Under what rule is he not allowed?

SHRI S. JAIPAL REDDY: Under rule 171.

SHRI V. NARAYANASAMY: It should be discussed under rule 176. *(Interruptions).*

DR. SHRIKANT RAMCHANDRA JICHKAR (Maharashtra): Under rule 176. *(Interruptions).*

SHRI V. NARAYANASAMY: Under rule 167, the Leader of the House has to give consent. I would like to know whether the Leader of the House has given consent. *(Interruptions).* We want a discussion under rule 176. *(Interruptions).* What is the fate of the Short-Duration Discussion? I want to know that. *(Interruptions).*

SHRI S. JAIPAL REDDY: Madam, it is under rule 171. Let me explain. *(Interruptions).*

SHRI V. NARAYANASAMY: We want a discussion under rule 176. *(Interruptions).*

SHRI P. UPENDRA (Andhra Pradesh): Madam, do they want to abide by the orders of the Chairman or not? *(Interruptions).* The Chairman has permitted me to speak. *(Interruptions).* Why are they not allowing me to speak? *(Interruptions).* It is very undemocratic.

THE DEPUTY CHAIRMAN: Mr. Upendra has been permitted. Please allow him to speak. *(Interruptions).* Let there be some order. *(Interruptions).*

SHRI V. NARAYANASAMY: Madam, you are the custodian of the House. I want to know.... *(Interruptions).*

THE DEPUTY CHAIRMAN: I am not the custodian of the House. *(Interruptions).* If you do not abide by the rule book or the direction of the Chairman.... *(Interruptions).*

SHRI S. JAIPAL REDDY: The Chairman told us specifically...*(Interruptions).*

THE DEPUTY CHAIRMAN: When did he give you the direction? *(Interruptions).* I should not take directions from the Members. I am sorry. I have a relation with the Chairman. If he talks to me and gives directions or through the Secretariat). .*(Interruptions).* I do not want the Members to tell me. *(Interruptions).* This is a new procedure you want to start, Members telling me what the Chairman wants to be done....*(Interruptions).* I do not have to listen to you. I have to take it from the Chairman or the Secretariat or the written thing. I cannot take your word as to what the Chairman wants to tell me. *(Interruptions).* There is a limit to it. The Chairman has allowed him to speak. Let him speak. *(Interruptions).* I am prepared to adjourn the House. *(Interruptions)* This is not the way ...*(Interruptions)*

SHRI S. JAIPAL REDDY: The whole thing has been circumvented... *(Interruptions)*

THE DEPUTY CHAIRMAN: What is this? *(Interruptions)* I don't want to discuss anything which is not listed in the Order Paper. *(Interruptions)* It has never happened. *(Interruptions)* I have never heard of such a thing in my life. *(Interruptions)* The Chairman has allowed him. But you are not allowing him to speak. *(Interruptions)*

DR. BIPLAB DASGUPTA: Madam, we would like to know as to what the Chairman told you. *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Narayanasamy, wait for a minute. Let me put the record straight. *(Interruptions)* How does the Chairman give instructions? How? I would tell you. It comes in the Order Paper. In the Order Paper it has not been mentioned under which rule it should be discussed. That is how I get the orders from the Chairman. *(Interruptions)*

SHRI DIGVIJAY SINGH: Madam, What are you talking about? *(Interruptions)* The House is supreme. *(Interruptions)*

श्री सिकन्दर बख्त : हां यह बी.ए. सी. में फैसला हुआ हैं। आप क्या कह रही हैं? सदर साहिबा, आप क्या कह रही हैं? यह बी.ए. सी. का फैसला हैं। ....(**व्यवधान**)....

†**شری سکندر بخت:** ھاں یہ بی۔ اے۔سی۔ میں فیصلہ ہوا ہے آپ کیا کہہ رہی ہیں۔صدر صاحبہ۔ آپ کیا کہہ رہی ہیں۔ بی۔اے۔سی۔ کا فیصلہ ہے ..."مداخلت"...

†[ ] Transliteration in Arabic Script.

उपसभापति : सिकन्दर बख्त साहब, बी.ए.सी. का फैसला ऑर्डर पेपर में आना चाहिए। जब ऑर्डर पेपर में आता हैं। बी.ए. सी. का फैसला ऑर्डर पेपर में आना चाहिए। जब ऑर्डर पेपर में बी.ए. सी. का फैसला नहीं आया तो इसका मतलब हैं कि वह बी.ए.सी. में फैसला नहीं हुअ। ....(**व्यवधान**)....

Show me where it is written. *(Interruptions)* I have no problem.

श्री सिकन्दर बख्त : सदर साहिबा, क्या आप यह कहना चाह रही हैं बी.ए. सी. में चेयरमैन साहब ने यह नहीं कहा, क्या आप यह कहना चाह रहीं हैं? जरा मेहरबानी में फरमाइए, जरा मेहरबानी से फरमाइए और कहिए कि चैयरमैन साहब से बी.ए. सी. की मीटिंग में यह नहीं कहा। मेरी बात का जवाब दीजिए।

†**شری سکندر بخت:** صدر صاحبہ۔ کیا آپ یہ کہنا چاہ رہی ہیں کہ بی۔ اے۔سی۔ میں چیر مین صاحب نے یہ نہیں کہا۔کیاآپ یہ کہنا چاہ رہی ہیں ذرا مہر بانی سےفرمایئے ذرا مہر بانی سے فرمایئے اور کہئے کہ چیرمین صاحب نے بی۔ اے۔سی۔کی میٹنگ میں یہ نہیں کہا۔ میری بات کا جواب دیجئے۔

उपसभापति : सिकन्दर बख्त साहब, बिजनेस ऐडवाइजरी कमेटी में जो होता हैं वह ऑर्डर पेपर में रिफ्लेक्ट करता हैं। जो मैंबर इस कमेटी के मैंबर नहीं हैं उनको भी इसकी इत्तिला होनी चाहिए। All the Members who are not Members of the Business Advisory Committee refer to the Order Paper and the bulletin in order to know under which rule a particular discussion is listed on a particular day. You show me where it is mentioned in today's Order Paper and under which rule it should be taken up. *(Interruptions)* **श्री सिकन्दर बख्त** : सदर साहिबा, यह ताना-बाना बुनने से कुछ नहीं होगा। मैं सिर्फ यह पूछना चाह रहा हूं कि क्या चेयरमैन साहब ने बी.ए. सी. की मीटिंग में यह नहीं कहा? .... मैं आपसे पूछना चाह रहा हूं कि क्या चेयरमैन साहब ने बी.ए.सी. की मीटिंग में ....(**व्यवधान**).... यह ताना-बाना बुनने से कोई फायदा नहीं। ताना-बाना मत बुनिए। सदर साहिबा, मैं तो यह पूछना चाह रहा हूं कि आपके सामने चेयरमैन साहब ने यह कहा या नहीं?

If you can deny it, then do it.

†**شری سکندر بخت:** صدر صاحبہ۔ یہ تانا بانا بننے سے کچھ نہیں ہوگا۔ میں صرف یہ پوچھنا چاہ رہا ہوں کہ کیا چیر مین صاحب نے بی۔ اے۔سی۔کی میٹنگ میں یہ نہیں کہا.... میں آپ سے پوچھنا چاہ رہا ہوں کہ کیا چیر مین صاحب نےبی۔ اے۔سی۔ کی میٹنگ میں ..."مداخلت"... یہ تانا بانا بننے سے کوئی فائدہ نہیں ہےتا نا بانا مت بنئے۔صدر صاحبہ۔ میں تو یہ پوچنا چاہ رہا ہوں کہ آپکے سامنے چیرمین صاحب نے یہ کہایا نہیں.....

उपसभापति : मेरे सामने तो यहां भी बहुत कुछ हो रहा हैं इसका यह मतलब तो नहीं हैं कि यह ऑर्डर पेपर में चला जाएगा। मेरे सामने बहुत कुछ हो रहा हैं जो ऑर्डर पेपर मे नहीं हैं।....(**व्यवधान**)....

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SHRI V. NARAYANASAMY: Madam, what is the purpose of discussing •he Hawala issue?...*(interruptions)*...

DR. BIPLAB DASGUPTA: The Chairman has given the directive.

SOME HON. MEMBERS: Under which rule?

(interruptions)

THE DEPUTY CHAIRMAN: Discussion on Hawala, under which rule?

SHRI S. JAIPAL REDDY: You tell me the rule. ...*(interruptions)*...You have to tell. ...*(interruptions)*...

†[ ] Transliteration in Arabic Script.

THE DEPUTY CHAIRMAN: Mr. Jai-pal Reddy, you tell us under which rule... *(interruptions)*....

श्री सत्य प्रकाश मालवीय : महोदया, पेपर में केवल दिया हैं कि हवाला विषय पर चर्चा। यह इसमें नहीं दिया हुआ हैं कि किस नियम के तहत चर्चा हो। इसलिए मेरा निवेदन हैं कि आप इस विषय को सदर की राय पर छोड़िए। ....(**व्यवधान**).... मैडम, पेपर में लिखा हैं कि हवाला मामले पर सदन में चर्चा हो ....(**व्यवधान**).... हाउस ही सुप्रीम हैं। ....(**व्यवधान**)....

SHRI GURUDAS DAS GUPTA: The House is supreme. The House can decide. ...*(interruptions)*...

SHRI SATYA PRAKASH MALAVIYA: The House is supreme. ...*(interruptions)*....

THE DEPUTY CHAIRMAN: No, I can't decide it. ...*(interruptions)*. मामला बिजनिस एडवाइजरी कमेटी में क्यों नहीं आया ....(**व्यवधान**)....

There is another shown to *me...(interruptions)*... 176; John Fernandes... *(interruptions)*...

SHRI SATYA PRAKASH MALAVIYA: That is not a part of the Order paper. ...*(interruptions)*...

THE DEPUTY CHAIRMAN: Show me where it is written '167'. ...*(interruptions)*... If I agree. ...*(interruptions)*... According to you, if I agree upon it that the hon. Chairman Sahib gave you the permission to discuss it under 167, that shouldd have been listed in the Order Paper. *(interruptions)*

How can you let me run this House on your free will? ...*(interruptions)*... I cannot run it. I have never done it and I cannot do it. ...*(interruptions)*...

SHRI SATYA PRAKASH MALAVIYA: How can you deny that right? ...*(interruptions)*...

THE DEPUTY CHAIRMAN: Please, I am sorry. ...*(interruptions)*... I know you have a majority, and they may have a minority; it does bother me. ...*(interruptions)*... I go by rules. ...*(interruptions)*... Majority or minority is not my business. I am in the Chair. I will go according to the rules. ...*(interruptions)*... Parties are present in the House to discuss... *(interruptions)*... Majority or minority, please don't refer to it. ...*(interruptions)*... Please show me the rules, under which rule it is listed. ...*(interruptions)*...

SHRI V. NARAYANASAMY: It is the prerogative of the Chairman. ...*(interruptions)*... We are prepared for discussion under 176. ...*(interruptions)*

डा. मुरली मनोहर जोशी (**उत्तर प्रदेश**) : महोदया, अगर स्पेसिफिक डाइरेक्सन नहीं हैं तो हाउस को ही डिसाइड करना चाहिए ....(**व्यवधान**).... महोदया, अगर किसी मामले में पेपर में साफ-साफ नहीं लिखा हैं तो सदन की राय पूछनी चाहिए। ....(**व्यवधान**).... महोदया, मैं आपसे एक व्यवस्था का प्रश्न पूछना चाहता हूं। ....(**व्यवधान**).... महोदया दिस इस ए पाइन्ट आफ आर्डर, यह व्यवस्था का प्रश्न हैं कि अगर पेपर में साफ-साफ नहीं लिखा हैं तो सदन ....(**व्यवधान**).... इट हैज बीन डन ....(**व्यवधान**)....

THE DEPUTY CHAIRMAN: We have not done this. We cannot do it. It is not done. ...*(interruptions)*... It is never done before. ...*(interruptions)*... Don't make new rules. ...*(interruptions)*... If the rules allow, I have to follow the rules. ... *(interruptions)*...

डा. मुरली मनोहर जोशी : मैडम, सदन सर्वोपरि हैं, सदन को अधिकार हैं, सदन रूल को सस्पेण्ड कर सकता हैं।

THE DEPUTY CHAIRMAN: We cannot decide...*(interruptions)*...

SHRI V. NARAYANASAMY: A notice was given to us. ...*(interruptions)*... Madam, a notice was given to us... *(interruptions)*... Under which rule it can be discussed. ...*(interruptions)*...

श्री सिकन्दर बख्त : सदर साहिबा, इसमें रूल 176 कहां लिखा हुआ हैं? किधर लिखा हुआ हैं? ....(**व्यवधान**).... इसको कौन तय करेगा? हाउस सुप्रीम हैं, हाउस तय करेगा। ....(**व्यवधान**)....

†**شری سکندر بخت:** صدر صاحبہ۔اسمیں رول نمبر ۱۷۶ کہا لکھا ہوا ہے۔ کدھر لکھا ہوا ہے..."مداخلت"...اسکوکون طے کریگا۔ ھاؤس سپریہ ہے۔ ھاؤس طے کریگا..."مداخلت"...

डा. मुरली मनोहर जोशी : सदन सर्वोपरि हैं। सिवाय सदन के अतिरिक्त इसको ....(**व्यवधान**).... सभापति से भी ऊपर सदन हैं। ....(**व्यवधान**)....

THE DEPUTY CHAIRMAN: Nothing is given. There is one Paper which is not being changed. ...*(interruptions)*...

श्री सिकन्दर बख्त : रूल 176 कहां लिखा हैं, किधर लिखा हैं? नहीं लिखा हैं। ....(**व्यवधान**)....

†**شری سکندر بخت:** رول ۱۷۶ کہاں لکھا ہوا ہے۔ کدھر لکھا ہے۔ نہیں لکھا ہے ..."مداخلت"...

SHRI V. NARAYANASAMY: Madam Deputy Chairman, the discussion on *hawala* issue should be according to the rule. *(Interruptions)*... I gave notice under rule 176. *(Interruptions)*... I am ready for the discussion on the *hawala* issue. *(Interruptions)*... Let them agree to the discussion. *(Interruptions)*... Your motion is not admitted so far. *(Interruptions)*... Your motion has not been listed. *(Interruptions)*... Our motion is admitted. *(Interruptions)*... I want your ruling, Madam. *(Interruptions)*...

SHRI S. JAIPAL REDDY: What has happened to the House, Madam?*'(Interruptions)*...

SHRI V. NARAYANASAMY: Madam, you have not given your ruling. *(Interruptions)*...

THE DEPUTY CHAIRMAN: I was trying to explain to him. *(Interruptions)*...

†[ ]Transliteration in Arabic Script.

I was trying to explain to him that whatever was decided.... *(Interruptions)*... Just one minute. I was trying to explain to Mr. Biplab Dasgupta—he could not have heard me in this noise—that if it was a decision of the Business Advisory Committee, then the instructions should go to the Secretariat and it should be reflected in the Papers. I run the House by order. I don't do it according to my free will. *(Interruptions)*... How can I do it? *(Interruptions)*... I am not sitting in my house. *(Interruptions)*... I am sitting in the Parliament House. *(Interruptions)*...

SHRI SIKANDER BAKHT: You are the Deputy Chairman of the House. *(Interruptions)*... The House is supreme. *(Interruptions)*...

श्री सत्य प्रकाश मालवीय : महोदया, अपोजीशन मेंबर अपनी सीट पर हैं लेकिन वे अपनी अपनी सीट छोड़कर आए हैं। आप उनको डाइरेक्शन दीजिए कि वे अपनी अपनी सीटों पर जाएं।

SHRI SIKANDER BAKHT: What order are you talking about, Madam? *(Interruptions)*... What are you talking about? *(Interruptions)*...

THE DEPUTY CHAIRMAN: I am talking about conducting the House. *(Interruptions)*... I am talking about my previous experience. *(Interruptions)*... No. *(Interruptions)*... I don't take oral instructions from anybody. *(Interruptions)*... I am sorry, I don't run this House on oral instructions. The record has to be there for the posterity. Tomorrow somebody can get up and ask me, "When did the Chairman give you the instructions? What am I to say? Why should I take the responsibility of the Business Advisory Committee? *(Interruptions)*... No, no. I don't decide on oral instructions. *(Interruptions)*...

DR. MURLI MANOHAR JOSHI: You cannot say that. *(Interruptions)*...

यह सदन की मर्यादा का सवाल हैं। ....(**व्यवधान**).... सदन की भावना का आदर करना पड़ेगा। ....(**व्यवधान**)....

THE DEPUTY CHAIRMAN: You are not the only Members. They are also there. Let them say what they want to say. *(Interruptions)...*

DR. MURLI MANOHAR JOSHI: You take the sense of the House. *(Interruptions)...*

SHRI S. JAIPAL REDDY: Madam, you take the sense of the House. *(Interruptions)...*

DR. MURLI MANOHAR JOSHI: You take the sense of the House, Madam. *(Interruptions)...* You take the sense of the House. *(Interruptions)...*

THE DEPUTY CHAIRMAN: The House is not run on oral instructions. *(Interruptions)...* You do it. *(Interruptions)...* You do it. *(Interruptions)...*

SHRI S. JAIPAL REDDY: Madam, you are not the master of this House. *(Interruptions)...* Yor are the servant of this House. *(Interruptions)...*

DR. MURLI MANOHAR JOSHI: The House is supreme. *(Interruptions),..*

SHRI SIKANDER BAKHT: The House is supreme. *(Interruptions)...*

SHRI S. JAIPAL REDDY: Madam,...*(Interruptions)...* There was a confusion... *(Interruptions)...*

THE DEPUTY CHAIRMAN: I wish there was a confusion. *(Interruptions)...* There is no confusion. *(Interruptions)...* There is a clear-cut direction. *(Interruptions)...There* is no confusion in my mind. *(Interruptions)...* Please. *(Interruptions)...*

AN HON. MEMBER: The House is Supreme. *(Interruptions)...*

SHRI SIKANDER BAKHT: The House is supreme.*(Interruptions)...* We also know...*(Interruptions)...*

THE DEPUTY CHAIRMAN: Don't you get up every day? Mr. Chaturanan Mishra, Mr. Salim and Mr. Malaviya sometimes get up and say that some mistake is there in the Order Paper. They refer to the Order Paper. Today somebody's name was wrongly written in the Order Paper. Today somebody mentioned that the name of Mr. Jagesh Desai was written wrongly in the Order Paper. We made the correction. You refer to Order Papers for such small things and you want me to have a serious discussion without it being there in the Order Paper! *(Interruptions)...*

SHRI S. JAIPAL REDDY: Madam, you are the servant of the House. *(Interruptions)...* You are a servant of the House. *(Interruptions)...* You are the servant of the House. *(Interruptions)...*

THE DEPUTY CHAIRMAN: I am. *(Interruptions)...* I am. *(Interruptions)...* Who denies it? *(Interruptions)...*

SHRI S. JAIPAL REDDY: Madam, You are the servant of the House. *(Interruptions)...*

THE DEPUTY CHAIRMAN: Who is denying it? *(Interruptions)...*

SHRI SIKANDER BAKHT: The House is supreme. *(Interruptions)...*

DR. MURLI MANOHAR JOSHI: Madam,... .'*(Interruptions)...*

THE DEPUTY CHAIRMAN: There is no dispute. *(Interruptions)...* You say, "167" and they say, "176" *(Interruptions)...*

SHRI S. JAIPAL REDDY: Madam, take the sense of the House. *(Interruptions)...*

SHRI SIKANDER BAKHT: Let there be a division *(Interruptions)...*

DR. MURLI MANOHAR JOSHI: Madam, take the sense of the House. *(Interruptions)...*

SHRI S. JAIPAL REDDY: Let there be a division. *(Interruptions)*

SHRI SIKANDER BAKHT: Let there be a division. *(Interruptions)...*

THE DEPUTY CHAIRMAN: Just a minute. *(Interruptions)...* The Chairman wants to come. *(Interruptions)...* The Chairman wants to come and decide it. *(Interruptions)...* Let the Chairman come and decide it. *(Interruptions)...*

(MR. CHAIRMAN IN THE CHAIR)

MR. CHAIRMAN: I would like you to sit down. *(Interruptions).* Today is the last day of the Session. I would like the Members, if possible, to depart as amicably as possible and without bitterness. Afterall this house is supreme. Even the Chairman is ribt supreme. Therefore, if there is insoluble deadlock, as there seems to be, we have to find a method of resolving it by consultation. I have done consultation for so many days. I find that the difference is so vast and parties are unyielding. There seems to be no agreement. If that is so, are we to leave this democratic House to chaos? Or are we to find...*(Interruptions).* Whoever wants the chaos, whoever it is. Should we leave it to chaos or should we try the House to take a decision itself? *(Interruptions).*

SHRI V. NARAYANASAMY: Sir, they are creating chaos in the House. *(Interruptions).*

MR. CHAIRMAN: If one person talks, I can understand. I don't follow you. If one person talks then only I can understand.

1 P.M.

SHRI V. KISHORE CHANDRA S. DEO (Andhra Pradesh): Mr. Chairman, Sir, I would only like to make a few submissions on this issue which the House has been seized of and which has caused a lot of turbulence in the last few days. This issue is something which Members on all sides of the House want to discuss. I do not think there is any dispute on that. The question is whether it should be discussed under rule 167 or under rule 176. Mr. Chairman, Sir, may I draw your kind attention to the provisions of both the rules? Rules 167 and 176 clearly state that these will be admitted on th consent of the Chairman. Mr. Chairman, Sir, you have rightly put it that the House is a sovereign body, the ultimate authority in taking a particular decision. But precedents certain conventions have been set. While these rules have been framed, Mr. Chairman, Sir, power or authority has been given to you with respect to these particular rules. There is a second aspect that I want to mention. A submission that I would like to humbly make is that both these are discussions—one is Short Duration in nature and 167 only puts the question to vote before athe House. Sir, this is a matter on which investigations are going on. It is a matter which is *sub judice,* a matter on which charge-sheets have been filed. I would like to draw your attention to rule 238. *Sit,* rule 238 clearly says that a Member who is speakine shall not refer to any matter of fact on which a judicial decision is pending. So, if the House discusses it under rule 167, Members cannot make a reference to any fact because it is pending in court, it is sub *judice.* If we then put this matter to vote in this House, it will amount to prejudging the issue and this will be against the set norms and values...*(Interruptions)*...I do not think it would be proper for the house to pass a judgement on an issue which is pending before a court of law. If the House so decides, the House can take a decision. I am not saying no. I am only making a submission and I would like the Members of this august House on all sides to consider whether we are going to be bound by certain conventions and certain rules which we have followed and nurtured for decades in this august House or, whether in a frenzy, in a particular moment of impulse we are going to set aside all these conventions. Mr. Chairman, Sir, I would also like to mention that in the earlier Order Paper, it was mentioned that this particular discussion was accepted under rule 176. Ultimately, in the subsequent Order Papers, we found that it was mentioned as Hawala issue without any rule being mentioned. I am not going into it and I am not going to insist on it. You are here in the Chair and you can take a decision. But I would like hon. Members to keep this aspect in mind before we take a decision and go ahead as to what should be discussed. We are all for a discussion.

SHRI S. JAIPAL REDDY: Sir, my good friend, Mr. Kishore Char- !ra Deo,

referred to the question of the whole issue being sub *judice.* I must first deal with that Sir. Whether we discuss it under 167 or 176, this question of *sub judice* would apply to both equally. Secondly, he referred to rule 238. If you read Kaul and Shakdher, the decision is left to thcHouse. Therefore, in my view this is not a substantive point at all.

Secondly, Sir, when we discuss the hawala issue, we will not discuss the facts or merits which are to be adjudicated in the court. We will refer to the background to what we consider the irregular manner in which the whole issue was delt with by the Government. Therefore, we will not deal with what the court is to adjudicate on. The Presiding Officer can always prevent a Member from trespassing upon an area which has been considered sub *judice.* Having dealt with this point, I would like to make another mention. Sir, you were good enough to mention that the house is not only supreme but the house is also its own master. Sir, under Rule 267, the House can suspend any rule. The House is the master of its procedure. On that question, there cannot be two views. Sir, your formulation today will go down as a historic ruling. You said that the Chairman also was not above the House. It will be quoted for generations to come, in my view. Sir, there is a dispute about the rule under which we should discuss. Under the rules, normally it is for the Chairman to decide about the rules. And the Business Advisory Committee can only advise the Chairman but it cannot dictate to he Chairman. The whole thing falls completely within the ambit of discretion of the Chairman. Since the Members of the BAC and since the parties were sharply, bitterly divided, you felt, Sir, that the matter could be decided by the House. If the Chairman does not decide or does not want to decide, if the Chairman wants to leave it to the House, there are always rules, and if the rules come in the way, the rules can be suspended. I have been referring to one rule, that is, Rule 171. It states: "If the Chairman admits notice of a motion and no date is fixed for discussion of such motion..." In this case, you have not admitted the notice. I admit this fact. You have not exercised the discretion. When you have not exercised the discretion, you can leave the discretion to the House, Sir. This Hous can admit the motion,.. *(Interruptions)*

AN HON. MEMBER: Mr. John Fernandes's notice was accepted...*(Interruptions)*

MR. CHAIRMAN: I will give time for you... *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Sir, on a point of order...*(Interruptions)*

SHRI S. JAIPALREDDY: A point of order on a point of order!

SHRI JOHN F. FERNANDES (Goa): My letter is there. Sir, you have permitted... *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Sir, the question is that the motion was accepted under Rule 176. It was listed on the Order Paper. It is wrong that he is quoting Rule 171. He is misleading the House. Actually, a Short Duration Discussion on Hawala Issue was mentioned in the List of Business not on one day but on four days. Nobody objected to it. So, why should Rule 171 be quoted here? Quoting 171 is wrong here.

SHRI S. JAIPAL REDDY: Sir, I am happy that Mr. Surinder pointed out that you were good enough to admit the matter under Rule 176 to begin with. Sir, we made representations to you that it should not be the case. We made representations to you...*(Interruptions)*...My dear colleagues, please hear me. We made representations... *(Interruptions)*...

SHRIMATI JAYANTHI NATARA-JAN (Tamil Nadu): Sir, we know...(Jn-*tcrruptions)*...

SHRI S. JAIPAL REDDY: You may know. Mr. Chairman, Sir, Jayanthiji is omniscient. She knows everything. But I am speaking for others.

Sir, you were kind enough to admit that, and all of us made representations. Members of all the Opposition parties made representations to you saying, "This is not the right thing to do. Please do it under rule 167".

SOME HON. MEMBERS: Rule 167?

SHRI S. JAIPAL REDDY: If you could admit a notice, it follows that you have also the right to withdraw the admission given... *(Interruptions)*.. .You have a right to withdraw the admission.

DR. SHRIKANT RAMCHANDRA JICHKAR: Sir, we are not discussing the principles of jurisprudence *here...(Inter-rupUons)...*

SHRI S. JAIPAL REDDY: During the interruption, let me take a glass of water. Whenever I take a glass of water, you kindly permit them to interrupt me. If you were good enough to admit a notice under rule 176, you would be fullv within your discretion to withdraw it...*(Interruptions)...*

SHRI V. NARAYANASAMY: Sir, such a thing had never happened...*(Interruptions)...*

SHRI JOHN F. FERNANDES: Sir, you permitted the motion to be discussed under rule 176.

SHRI S. JAIPAL REDDY: Hon. Members, you will have the opportunity to mention your point of view.

Sir, the very fact that the Order Paper does not refer to any rule while mentioning the discussion on the *hawala* issue shows that they themselves have withdrawn the admission that you have given.

SOME HON. MEMBERS: No, no.

SHRI JOHN F. FERNANDES: Sir, you have permitted the discussion on the *hawala* issue under rule 176...*(Interruptions)...*

MR. CHAIRMAN: Mr. Reddy, are you proposing now in this House that the discussion be under rule 167?

SHRI S. JAIPAL REDDY: Yes, Sir. I am proposing that the discussion be under rule 168.

SOME HON. MEMBERS: No, no.

SHRI SATISH AGARWAL (Rajasthan): Sir, I am proposing that the discussion be under rule 167 and not under rule 176.

DR. MURLI MANOHAR JOSHI: Sir, I am also proposing that the discussion on the *hawala* issue be done under rule 167.

SHRI GURUDAS DAS GUPTA: Mr. Chairman, Sir...*(Interruptions)...*

SHRI P. UPENDRA: Sir, I have been wanting to speak, but you are not allowing me. Others are speaking and you are allowing them.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SYED SIBTEY RAZI): Sir, please permit me to make a submission.

MR. CHAIRMAN: Mr. Upendra has been wanting to speak. Let him speak first.

SHRI V. NARAYANASAMY: Sir, I want to make a submission.

SHRI JOHN F. FERNANDES: Sir, I would like to make a submission.

MR. CHAIRMAN: I will allow all of you. Now please let Mr. Upendra speak.

SHRI P. UPENDRA: Sir, I have been informed that two notices were given on the same subject under rules 167 and 176 in February, 1996. In your wisdom, you have allowed the motion under rule 176 and that has been circulated to all the Members.

It was listed for 6th March under Rule 176 and subsequently they might have dropped it. Under what rule? Sir, it

continues and it is presumed that under the same Rule it is listed. Sir, after that, there is no evidence of your withdrawing your consent for that Motion under Rule 176. If it had been withdrawn, then the fresh motion should have been circulated to the Members. We don't know what the other motion is. It is not before the House. You have not even circulated that imotion.

Sir, there is a prescribed procedure under Rule 167. Under Rule 167, the motions are treated as No-Day-Yet-Named Motions. Under Rule 172, it is taken up during Government Business time. Even Kaul and Shakdher says that the No-Day-yet-Named Motions are to be taken up under Rule 167 as Government business. If they are to be taken up with the Government business, then the consent of the Leader of the House is necessary. I would like to know from you, Sir, whether the Leader of the House has given his consent, whether the Government has agreed to spare time for this purpose under Rule 167.

As was rightly pointed out by Shri Kishore Chandra Deo, if you vote on this motion, then it would prejudice the ca'se in the Supreme Court. The house cannot sit in judgment before the Supreme Court gives its verdict. ...*(Interruptions)*... Sir, you cannot pass a final judgment in this House either way on a matter which is pending before the court. Therefore, Sir, the notice has not yet been withdrawn and there is no second motion before the House. If you expect the House to vote on a thing which is non-existent, it is not fair to us. Suddenly, on the last day this House cannot be confronted with that kind of a situation. First of all, you have to withdraw your earlier permission, give your permission for the second one and circulate the draft to the Members. After circulating the same, the second motion can be taken up in the House. ...*(Interruptions)*...

SHRI V. NARAYNASAMY: Mr. Chairman, Sir, under Rule 176, I gave notice for a discussion of the matter as a Short Duration Discussion. Then you considered the matter. Rule 177 says:

> "If the Chairman is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary, that the matter is urgent and is of sufficient public importance to be raised in the Council at an early date, he may admit the notice and in consultation with the Leader of the Council fix the date on which such matter may be taken up for discussion and allow such time for discussion, not exceeding two and a half hours, as he may consider appropriate in the circumstances."

Sir, you had considered it, had consultation with the Leader of the House and a time was fixed. I received a notice on 1st of March stating that my notice was admitted under Rule 176 and would come up for discussion on 6th of March, 19%. I came prepared for a discussion in this House. Till date, I have not received any notice stating that my Short Duration Discussion has been cancelled. ...*(Interruptions)*... Sir, the notice given under Rule 167 is treated as a No-Day-Yet-Named Motion. The motion given by them has not been consented to by you so far. It is not the property of the House.

Sir, I would like to submit that subclause (vii) of Rule 169 says, "It shall not anticipate discussion of a matter which is likely to be discussed in the same session." The same matter has to be discussed in the same Session under rule 176. Therefore, discussion under Rule 167 need not be admitted. I would like to submit that for the purpose of admitting a motion under Rule 167, the hon. Chairman has to consult the Leader of the House and then fix a date. The rule clearly provides this power to the hon. Chairman, It cannot be taken up in the House for the purpose ot deciding a matter. Therefore, my humble submission is that the notice which has been given under Rule 176 has to be discussed as it is alive even today. I take strong exception to what has been listed in the List of Business. Rule 176 has not been mentioned in the list of Business. Notice was not given to me as a Member of the House who had given the notice and who had the right to discuss the matter in the House. Therefore, Sir, a Short Duration Discussion has to be allowed. *(Interruptions)* I am prepared for a discussion in

the house. The Opposition's demand is for a discussion under rule 167 which is not admissible and cannot be admitted by the hon. Chairman. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Sir, I very much appreciate the move you have kindly taken to sort out the controversy which has been affecting the business of the House for a long period of time. At the very outset, Sir, differences are bound to be there in a democracy and we expect patience ...*(Interruptions)*... and respect for each other if this system has to function. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: You had been respecting quite a lot in the past! *(Interruptions)*

SHRIMATI JAYANTHI NATARA-JAN: No lectures. *(Interruptions).*

SHRI GURUDAS DAS GUPTA: To begin with...*(Interruptions)*... To begin with let me dispose of the important issue that has been raised by the hon. Members of the Treasury Benches. *(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.S. AHLUWALIA): You are not going to dispose of. *(Interruptions)*

MR. CHAIRMAN: Mr. Naray-anasamy's point... *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Sir, I will refer to it. *(Interruptions)*

MR. CHAIRMAN: Only if you have anything to express. *(Interruptions)* I understand that, *(interruptions)*

SHRI S.S, AHLUWALIA: You should quote the rule also. *(Interruptions)* There is no point. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: My humble submission is...*(Interruptions)*... My humble submission is that the point raised by my friend Mr. Narayanasamy is untenable.

SOME HON. MEMBERS: Why? Why? *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Because the notice was submitted by a number of hon. Members...*(Interruptions)* ...It included, of course, the Leader of the Opposition. *(Interruptions)* Yes, it includes Congress and many Members of the Opposition also. Sir, it was admitted for 1st March. Anything that is admitted in the House is admitted for that specific day.

SOME HON. MEMBERS: No, sir, no. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Sir, what is this? *(Interruptions)* What is this? *(Interruptions)* I do not think that my submission will, in any way, influence the judgment of the hon. Chairman. The hon. Chairman will take a decision in his own way. I am only pleading before,him the same way you have pleaded before him. *(Interruptions)* In my humble opinion, it had been listed only for the 1st of March.

SOME HON. MEMBERS: No, no. *(Interruptions)*

MR. CHAIRMAN: Please sit down. *(Interruptions)* Let him say whatever he wants. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Let him not misquote facts. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Sir, you shall take a view. You will kindly see, Sir, ...*(Interruptions)*...

MR. CHAIRMAN: Do you have anything else to say? *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Sir, if you kindly see the Order Paper of 2nd March, it does not include this item as a subject-matter for discussion; it does not include. Sir, kindly look at the Paper. *(Interruptions)* It does mean, therefore, that the item has lapsed because it could not be tken up that day. *(Interruptions)* Sir, my second point is. ..*(Interruptions)*... Sir, my second point is this. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Let him not waste the time of the House. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: My second point is this. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Let him not waste the time. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: My second point is this: This is the House of Elders.

We have our own rules; we have our own precedents. According to those rules and precedents, this House is competent only to pronounce its own judgment under Rule 167. ...*(Interruptions)*... We can give our own judgement under Rule 167. Sir, I appeal to you that since the House is facing, the country is facing, an unprecedented situation, we may be allowed, the House may be allowed to pronounce its own views on the development. ...*(Interruptions)*... Sir, we are at crossroads; let me tell you this very frankly, Sir....*(Interruptions)*...

SHRI SURINDER KUMAR SINGLA: Sir, he is giving a lecture.

...*(In terruptions)*...

श्री दिग्विजय सिंह : सिंघला साहब सीट पर जाइए न, आप हाउस को चलने देना चाहते हैं या नहीं? You go to your seat. सिंघला साहब आप सीट पर तो जाइए।

MR. CHAIRMAN: Please conclude. SHRI GURUDAS DAS GUPTA: Sir, my last point is that the Rajya Sabha is only competent to give its views under a specific rule. There is a precedent also. ...*(Interruptions)*... Therefore, in view of the rules and the precedent in the House, we may be allowed to give our views on this *hawala* case in the same way as it has been done in the other House. If you do not do it, then Rajya Sabha is being restrained from discharging its duties and functions. ...*(Interruptions)*... I appeal to you, Sir, kindly consider this point.

Thank you. AN HON. MEMBER: Sir, we have listened to everybody; give your ruling, Sir. SHRI VAYALAR RAVI (Kerala): Sir, I am on a point of order.

...*(Interruptions)*... Sir, my point of order is very simple. Sir, both sides have agreed for a discussion. Sir, there are two rules. ...*(Interruptions)*... But, Sir, under Rule 169 there is a condition which has been spelt out in 169 (viii). Sir, this condition prohibits discussion on a matter which is under adjudication by a court of law having jurisdiction in any part of India.

SHRI S. JAIPAL REDDY: The same condition is there is Rule 176 also. ...*(In terruptions)*...

SHRI VAYALAR RAVI: It is not applicable to Rule 176...*(Interruptions)*... Sir, Rule 176 clearly says that we can discuss any matter which the Chairman feels ...*(Interruptions)*... It is the discretion of the Chairman to allow any discussion under Rule 176, which has no conditionality as there has been in Rule 167. Sir, we can discuss matters under both these rules. But, the conditionality in Rule 167 has been given for a specific purpose. Rules have been framed and this House can discuss any matter. ...*(Interruptions)*... In this case only Rule 176 is applicable. Under rule 167, certain conditions must be fulfilled. These conditions have been spelt out in Rule 169 which prohibit discussion of matters which are under adjudication by a court of law. Therefore, discussion on the issue may be taken up under Rule 176 only.

THE MINISTER OF POWER (SHRI N.K.P. SALVE): Sir, I am aware of the fact that a discussion had taken place under Rule 167 sometime in 1978.

DR. MURLI MANOHAR JOSHI: On your own motion. SHRI N.K.P. SALVE: It as my motion. *(Interruptions)*... It was my otion. However, Sir, it is unprecedented that the equirement of Rule 167 being what it is, unprecedented, that a motion was ever allowed under Rule 167 by a vote. It never ever was allowed by a vote. Sir, you very rightly said that the House is supreme. Sir, under Rule 216, there is a ' Committee consitiuted—"A Committee

on Rules shall be constituted to consider matters of procedure and conduct of business in the Council and to recommend any amendments or additions to these rules that may be deemed necessary." My respectful submission, Sir, is that the House is supreme. The House has appointed a Committee and the House has formulated rules. Therefore, the rules are supreme. Thereafter, Sir, having made this submission that rules are supreme and if the rules are supreme and the rules do not provide for a voting on a motion, then the rules must prevail. Sir, I beg of you to read with me Rule 167: "Save insofar as is otherwise provided by the Constitution or by these rules,...."—Now let us forget about the Constitution—Rule 167 says: "Save insofar as is otherwise provided by these rules, no discussion of a matter of general pubic interest shall take place except on a motion made with the consent of the Chairman." If the rules otherwise provide, then it will not be covered by Rule 167. If it is not covered otherwise by any other rule then only it will come under Rule 167 and with your consent and not with the voting of the House... ... *(Interruptions)....*

1 am making a submission on interpretation of rules. I am only confining myself to that. Whereas Rule 167 enjoins on you the responsibility, the sole responsibility to consent or not to consent under Rule 176 you don't have a right to consent. You have a right to admit or you have a right not to admit and admission is compulsory on two* conditions being satisfied—(i) that it is a matter of urgent importance in Rule 177—or (ii) it is a matter of sufficient public importance and it is urgent. If these two ingredients are satisfied, you have to admit a motion under Rule 176. If it is admitted under Rule 176, then Rule 167 does not come into play at all. If it cannot otherwise be admitted under Rule 176, then only it should come under Rule 167 in view of the contents of the matter. Therefore, I entirely agree with what Shri Naravanasamy has submited that having admitted that under Rule 176, how can you again at this stage admit it under Rule 167?

श्री सिकन्दर : सदर साहब, पहले तो हवाला के डिस्कशन की तारीख जो इस दौरान में पैदा हुई, मैं चाहता हूं कि इस सदन के सामने वह सफाई के साथ आ जाये। बिजनैस ऐडवाइजरी कमेटी में यह तय हुआ कि हवाला पर डिस्कशन होगा। मेंबर्स की खतदाई मंजिल में ही हर किस्म में मोशंस सेक्रेटरियेट के पास थे, चेयरमैंन साहब की खिदमत में थे, 167 मे मातहत भी थे ....(**व्यवधान**)....

†**شری سکندر بخت:** صدر صاحب۔ سب سے پہلے تو وہ حوالہ کے ڈسکشن کی تاریخ جو اس دوران پیدا ہوئی۔میں چاہتا ہوں کہ اس سدن کے سامنے وہ صفائی کے ساتھ آجائے۔ بزنس ایڈوائزری کمیٹی میں یہ طے ہوا کہ حوالہ پر ڈسکشن ہوگا۔ ممبرس کی ابتدا کی منزل میں ہی ہر قسم کے موشنس سیکریٹریئٹ کےپاس تھے۔ چیر مین صاحب کی خدمت میں تھے۔ ۱۶۷ کے ماتحت بھی تھے..."مداخلت"...

SHRI JAGESH DESAI (Maharashtra) We want the date on which this was discussed in the Committee. That is very relevant. Let him give the date. Then I will make my recommendations on that. *(Interruptions)*

श्री सिकन्दर बख्त : मैं सिर्फ यह अर्ज करना चाहता हूं कि इसकी तारीख ऐसी हैं कि वैसिलेट करता रहा हैं कि किस शक्ल में इस पर डिस्कशन होनी चाहिए ....(**व्यवधान**)....

†[ ] Transliteration in Arabic Script.

†**شری سکندر بخت:** میں صرف یہ عرض کرنا چاہتا ہوں۔ کہ اسکی تاریخ ایسی ہے کہ ویسیلیٹ کرتا رہا کہ کس شکل میں اس پر ڈسکشن ہونا چاہئے..."مداخلت"...

Mr. CHAIRMAN: Please let him speak. I allowed all of you to speak. *(Interruptions)* Discuss only on rules, not on Hawala. *(Interruptions)*

श्री सिकन्दर बख्त : मैं खाली इसकी हिस्ट्री को दुरूस्त करना चाह रहा हूं ....(**व्यवधान**)....

†**شری سکندر بخت:** میں خالی اسکی ھسٹری کو درست کرنا چاہ رہا ہوں۔...."مداخلت"...

SHRI N.K. P. SALVE: Rule 167 says, not to adicate your right. If we take away the very heart of the rule,—you cannot abdicate with great respect I want to submit, Sir,— and ask the House to decide upon rule 167 it will be an abdication of your responsibility in terms of the specific provision of the rules when it calls for your consent and in the other case it only calls for admissibility.

श्री सिकन्दर बख्त : सदर साहब, मैं यह कहना चाह रहा हूं कि जिस तरीके से यह बिजनेस एडवाइजरी कमेटी ....(**व्यवधान**)....

†**شری سکندر بخت:** صدر صاحب۔ میں یہ کہنا چاہ رہا ہوں کہ جس طریقے سے یہ بزنس ایڈوائزری کمیٹی..."مداخلت"...

SHRI JAGESH DESAI: As far as we are concerned, we did not vacillate. It may be in the Business Advisory Committee. *..(Interruptions)...*

†[ ]Transliteration in Arabic Script.

SHRI SIKANDER BAKHT ; I am not yielding. *(Interruptions),* I am not yicjding to everybody everytime. *(Interruptions)* I am not yielding to anybody. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Kindly listen to us. *(Interruptions)*

SHRI SIKANDER BAKHT ': I am not yielding. *(Interruptions)* I am not yielding at all. *(Interruptions)* What is this? *(Interruptions)* I am not yielding to anyone of them. *(Interruptions)*

श्री सिकन्दर बख्त : सूरते हाल यह हुआ कि जैसे ही दिन चलते रहे तो लिस्ट आफ बिजनेस से हवाला का नाम बिल्कुल उड़ गया। बी.ए. सी. के अंदर अलग-अलग राय आई और उस राय को मद्दे नजर रखते हुए यह तय किया गया कि हाऊस तय करेगा ....(**व्यवधान**)....

†**شری سکندر بخت:** صورتحال یہ ہوا کہ جیسے ہی دن چلتے گئے تو لسٹ آف بزنس سے حوالہ کا نام بالکل اڑگیا ۔ بی۔اے۔سی۔ کے اندر الگ الگ رائے آئی اور رائے کو مدنظر رکھتے ہوئے یہ طے کیا گیا کہ ھاؤس طے کریگا۔..."مداخلت"...

MR. CHAIRMAN: Mr. Singla, please sit down. I would like to hear Mr. Sikander Bakht. I am sure you would also like to hear him. *(Interruptions)*

SHRI SURINDER KUMAR SINGLA: Sir the point is, he should confine himself to the point about the rule.

MR. CHAIRMAN: That is what I am asking him to do. *(Interruptions)*

s **श्री सिकन्दर बख्त** : आप लोगों में से कोई आदमी जयन्ती नटराजन जी के अलावा बिजनेस एडवाइजरी कमेटी का मेंबर नहीं हैं। ....(**व्यवधान**)....

†**شری سکندر بخت:** آپ لوگوں میں سے کوئی آدمی جینتی نٹراجن جی کے علاوہ بزنس ایڈوائزری کمیٹی کا ممبر نہیں ہے..."مداخلت"...

श्री सुरिन्दर कुमार सिंगला : बिजनेस एडवाइजरी कमेटी का फैसला हो और क्या हमें पता नहीं हैं। ....(**व्यवधान**)....

SHRIMATI JAYANTHI NATARAJAN: It was totally false. It was never decided. *(Interruptions)*

SHRI S.S. AHLUWALIA: He is misleading. *(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN: He is misleading the House. *(Interruptions)*

SHRI V. NARAYANASAMY: Sir, he cannot quote Lok Sabha here. He cannot quote the discussion in the Business Advisory Committee. *(Interruptions)*

SHRI SIKANDER BAKHT : Mr. Chairman Sir, this House cannot be deprived of its right to express its displeasure. That can be done only under rule 167. Therefore, we demand that the discussion should be held under rule 167. *(Interruptions)*

DR. MURLI MANOHAR JOSHI: Mr. Chairman, Sir, a point has been made by the hon. Minister, Mr. Salve, that rule 167 shall not apply because there is an alternative prvision in rule 176. I think this is a very wrong interpretation of the language of rule 167 Both rules, rule 167 and rule 176, permit discussion. If this language is not written here...

SHRI N.K.P. SALVE: Are they .mutually exclusive or not?

S. JAIPAL REDDY: No, they are not.

SHRI N.K.P. SLAVE: They overlap. *(Interruptions)*

DR. MURLI MANOHAR JOSHI; They are not mutually exclusive. It depends on the discretion of the Member. Both rules are aplicable. *(Interruptions)* Mr. Salve, you have had your say. I am not yielding. *(Interruptions)* It depends on the discretion of the Member concerned to approach the hon. Chairman, either under rule 176 or rule 167. Rule 167 aimply permits that you can make use of 176 also. Rule 176 provides for an alternative discussion method. Ruile 167 says: 'Save insofar as is otherwise provided by the Constitution or by these rules....*. This means, if a motion for discussion has been brought to the notice of the Chairman that a Member wants discussion on a certain issue, and the Constitution provides for it, fine; or, if the rules provide for it in any manner, fine. Thereafter, the rule says:'...no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.'

So, it means that under rule 167 your consent is necessary. That is all the meaning of rule 167. Beyond this, it does not say anything.

It simply permits three types of discussions—discussions provided by other rules, discussions provided by the Constitution and discussions provided by rule 167. The only condition here is that your consent is necessary for admitting a discussion on a matter of public interest under rule 167.

The interpretation that these two rules are mutually exclusive is untenable. If these two rules are mutually exclusive, then, only one rule should have been sufficient, but there are two rules. Therefore, it means that a discussion can be sought under both the rules and even under some provisions of the Constitution .. *(Interruptions)*

MR. CHAIRMAN: There is time for one or two more interventions. Then I will give my ruling.

DR. MURLI MANOHAR JOSHI: Therefore, that interpretation is untenable.

†[ ]Transliteration in Arabic Script.

The second point is 'hat the House is supreme. It is the House which appoim the Committee, and the Committee makes the rules. The House can change the rules. The House can suspend the rules. If it is the wish of the House to discuss a particular motion under a particular rule, the wish of the House shall prevail. This is a well-settled convention in all dernociatic institutions. In all matters of such decisions, the wish of the House, the will of the House, the sense of the House is supreme.

DR. BIPLAB DASGUPTA: Sir, I will make two very non-controversial points. ... *(Interruptions)*

Please allow me to speak first on these two non-controversial points. I hope our friends on the other side will listen to me.

As far as rule 167 is concerned, I agree with Mr. Salve that it is up to the Chairman to give consent to it. In this particular case, as we all know, the Chiarman wanted to give his consent on the basis of the view in the House. ...*(Interruptions)* Please. Please listen to me.

DR. SHRIKANT RAMCHANDRA JICHKAR: Sir, what is this? How long will this go on? This debate has gone on for so much time. It is enough. What is this? ...*(Interruptions)*

DR. BIPLAB DASGUPTA: Sir, there is another rule.

MR. CHAIRMAN: Will you conclude very quickly?

DR. BIPLAB DASGUPTA: Yes, very quickly, Sir. There is another rule, rule 267.

SHRI SURINDER KUMAR SINGLA: He has nothing else to say.

DR. BIPLAB DAS GUPTA: I am referring to rule 267 ...*(Interruptions)*

MR. CHAIRMAN: Please let me hear him. ...*(Interruptions)*

DR. BIPLAB DASGUPTA: If you look at rule, 267, ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: The discussion can take place only under rule 176. ...*(Interruptions)*

DR. BIPLAB DASGUPTA: Allow me to make my point.

Under rule 267, any Member may, with the consent of the Chairman, move that any rule may be suspended. ...*(Inirruptions)*

SHRI SURINDER KUMAR SINGLA: You cannot suspend the rule.

DR. BIPLAB DASGUPTA: I put it that rule 176 be suspended for the day. ...*(Interruptions)* Allow me to speak.

SHRI SURINDER KUMAR SINGLA: You have already spoken.

DR. BIPLAB. DASGUPTA: I have listened to you. Just listen to me. What is this? ...*(Interruptions)*

SHRI SURINDER KUMAR SINGLA: You have already spoken. ...*(Interruptions)*

DR. BIPLAB DASGUPTA: Will you not listen to me?

SHRI SURINDER KUMAR SINGLA: No. ...*(Interruptions)*

DR. BIPLAB DASGUPTA: I am putting it to the House. Under rule 267, I move ... *(Interruptions)*

MR. CHAIRMAN: Please listen. ...*(Interruptions)*

MR. CHAIRMAN: Don't you want to hear me at all? *(Interruptions)* After listening to all this, don't you want to hear me? *(Interruptions)* Can I decide? Have I the power? *(Interruptions)* Then you please sit down. *(Interruptions)*

DR. MURLI MANOHAR JOSHI: Sir, when the Chair is on his legs,... *(Interruptions)*

MR. CHAIRMAN: I adjourn the House till 3.30 p.m.

The House then adjourned at forty seven minutes past one of the clock.

The House reassembled at thirty-one minutes past three of the clock, The Deputy Chairman *in the Chair.*

VALEDICTORY REMARKS BY THE DEPUTY CHAIRMAN ON THE CONCLUSSION OF THE SESSION

THE DEPUTY CHAIRMAN: No discussion under rule 167 or 168 or 176. I have to say 'thank you' to everybody. ..*(Interruptions)* ... Sixer in the cricket field, not in this House.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.S. AHLUWALIA): Let us pray sixers for the Indian team in the World Cup Cricket match.

THE DEPUTY CHAIRMAN: Yes, prayed. I will adjourn the House *sine die* so that you can watch the cricket match nicely. Before I adjourn the House, I thank all of you for your cooperation. ..*(Interruptions)*.. I do that always. ..*(Interruptions)*... Always I do that because this is part of parliamentary democracy.

SHRI GURUDAS DAS GUPTA: But is this one-handed or double-handed?

THE DEPUTY CHAIRMAN: Everybody puts forth his view point. This is part of parliamentary democracy. So, I thank everybody for his cooperation, the Secretariat, all of you, the Leader of the Opposition, the Leader of the House, leaders of various political parties and other Members who are retiring. I wish them all the best. I hope that some day after a gap they may come here or they may go to the other House. But we would be meeting each other with no ill-will. Members who are going to come back to this House, we wish them all the best in the next session. Until we meet next time, whatever festivals are coming during this period, I give my greetings to all the Members. I also wish Members all the best for their campaigning in the elections. I hope that everything would be good for all of you and for the whole country. I have to remind all of you to stand up while the National Song, Vande Mataram, is played. Please don't run away until I adjourn the House sine die.

{The National Song, Vande Mataram, was then played)

THE DEPUTY CHAIRMAN: I adjourn the House *sine-die.*

The House then adjourned *sine die* at thirty-four minutes past three of the clock.